



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11

Applicants: Parruck et al.

Assignee: Azanda Network Devices, Inc.

Title: "Routers for Switching ATM Cells in a Packet-Like Manner Using a Packet Switch"

OFFICE OF PETITIONS

Serial No.: 09/539, 461

Filed: March 30, 2000

Examiner: Thien D. Tran

Group Art Unit: 2665

Atty. Doc. No.: AZA-006

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NOV 02 2004

Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, CA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Applicants hereby petition under 37 C.F.R. §1.137(a) to revive the above-captioned application. Attached to this petition is (i) a Request for Continued Examination (RCE), (ii) an Amendment/Response to a final office action mailed January 5, 2004, (iii) a check for the petition fee under 37 C.F.R. §1.17(l), and (iv) a showing, in the form of two Statements, that the cause of the delay was unavoidable, including that the entire delay in filing the attached RCE from the due date for reply until the filing of this petition was unavoidable. The two Statements from Godfrey K. Kwan and Darien K. Wallace indicate that the final office action was not received until October 18, 2004.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, CA 22313-1450, on October 25, 2004,

Darien K. Wallace

Darien K. Wallace 10/25/04
Signature Date of Signature

Respectfully submitted,

Darien K. Wallace

Darien K. Wallace
Attorney for Applicants
Reg. No. 53,736



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Assignee: Azanda Network Devices, Inc. (new name)

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OFFICE OF PETITIONS

**STATEMENT SUPPORTING PETITION
TO REVIVE UNDER 37 CFR 1.137(a)**

1. I, Godfrey K. Kwan, am an attorney at the law firm of Beyer Weaver & Thomas, LLP and am registered to practice before the United States Patent and Trademark Office (Reg. No. 46,850).

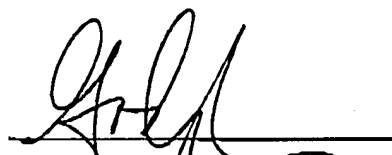
2. I prosecuted the above-captioned application on behalf of the assignee, Azanda Network Devices, Inc. On November 25, 2003, I filed a response to an office action dated September 11, 2003. On December 4, 2003, I received a return postcard from the Patent Office indicating that the Patent Office had received my response on November 28, 2003.

3. In March 2004, the above-captioned application was transferred from Beyer Weaver & Thomas, LLP to Silicon Edge Law Group LLP. At the time the above-caption application was transferred, Beyer Weaver & Thomas, LLP

had not received any office action from the Patent Office responsive to my response dated November 25, 2003. The return postcard relating to my response dated November 25, 2003, was the last correspondence I received from the Patent Office relating to the above-captioned application (Please See Appendix A Mail Logs).

4. Based on the Mail Logs included in Appendix A, Beyer Weaver & Thomas, LLP did not receive any office action relating to the above-captioned application after the above-captioned application was transferred to Silicon Edge Law Group LLP.

5. The undersigned can be reached at (510) 843-6200 extension 240.



Godfrey K. Kwan
Reg. No. 46350

Dated: October 22, 2004

Appendix A

Mail Log For Azanda (SRSR) Related Correspondence From The PTO

DATE RECEIVED	CLIENT/DOCKET#	DESCRIPTION	SERIAL	MAIL DATE
11/21/2003	SRSRP007	November-03 OFFICE ACTIONS SUMMARY	09/539,477	11/18/2003
11/24/2003	SRSRP002	OFFICE ACTIONS SUMMARY	09/539,479	11/19/2003
12/4/2003	SRSRP005	December-03 POSTCARD	09/539,461	11/25/2003
12/19/2003	SRSRP006	POSTCARD	09/539,476	12/8/2003
01/02/04	SRSRP001US	January-04 OFFICE ACTION SUMMARY W/ DETAILED ACTION	09/528,802	12/30/03
01/02/04	SRSRT008US	NOTICE OF PUBLICATION UNDER 12(A)	76/460,431	12/24/03
01/16/04	SRSRP004	POSTCARD	09/539,478	01/07/04
01/26/04	SRSRP007	POSTCARD	09/539,477	01/14/04
02/05/04	SRSRT010US	February-04 NOTICE OF ALLOWANCE	76/497,519	03/03/04
02/23/04	SRSRP007US	NOTICE OF ALLOWANCE AND FEE(S) DUE	09/539,477	02/18/04
02/23/04	SRSRT008US	POSTCARD	76/460,431	02/09/04
03/05/04	SRSRP006US	March-04 OFFICE ACTION SUMMARY W/ 1 REF	09/539,476	03/02/04
03/08/04	SRSRT008US	POSTCARD	76/460,431	02/09/04
03/16/04	SRSRP004US	NOTICE OF ALLOWANCE AND FEE(S) DUE	09/539,478	03/12/04
03/29/04	SRSRT007	NOTICE OF ACCEPTANCE OF STATEMENT OF USE	76/395,908	03/24/04
		April-04		
		None		



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**STATEMENT OF DARIEN K. WALLACE SUPPORTING
PETITION TO REVIVE UNDER 37 CFR 1.137(a)** OFFICE OF PETITIONS

1. I, Darien K. Wallace, am an attorney at the law firm of Silicon Edge Law Group LLP and am registered to practice before the United States Patent and Trademark Office (Reg. No. 53,736).

2. With a power of attorney signed on April 12, 2004, the assignee of the above-captioned application transferred the application from the law firm of Beyer Weaver & Thomas, LLP to Silicon Edge Law Group LLP. On April 19, 2004, I filed a "Revocation of Power of Attorney and Appointment of New Attorney and Change of Correspondence Address" with the Patent Office regarding the above-captioned application. On April 29, 2004, I received a "Notice of Acceptance of Power of Attorney" from the Patent Office relating to the above-captioned application.

3. Between April and September 2004, I received no correspondence from the Patent Office relating to the above-captioned application.

4. In late September 2004, the assignee, Azanda Network Devices, Inc., asked me to prepare a status report on all of its patents and patent applications. On October 6, 2004, as part of my efforts to prepare the status report, I checked to see whether any of the assignees applications were listed on the public patent application information retrieval (PAIR) system of the Patent Office. To my astonishment, I found that the Patent Office had made public some patent files before the publication date of the application. Indeed, although the above-captioned application has not yet been published, the public PAIR system indicated that an office action had been mailed in the above-captioned application on January 5, 2004.

5. On October 7, 2004, a partner of mine (T. Lester Wallace, Reg. No. 34,748) called the Patent Office in order to determine whether an office action had indeed been mailed in the above-captioned application on January 5, 2004. Although my partner was unable to confirm that an office action had been mailed, he left a voice message for Examiner Tran. He also left a voice message for Godfrey Kwan of Beyer Weaver & Thomas, LLP to confirm the status of the above-captioned application.

6. On October 11, 2004, Godfrey Kwan of Beyer Weaver & Thomas, LLP told my partner (T. Lester Wallace, Reg. No. 34,748) over the phone that Mr. Kwan had never received the office action dated January 5, 2004.

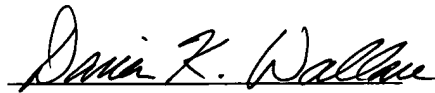
7. On October 12, 13 and 14, my partner (T. Lester Wallace, Reg. No. 34,748) left voice messages for Examiner Tran. On October 15, 2004, Examiner Tran called us and confirmed that he had mailed a final office action in the above-captioned application on January 5, 2004.

8. On October 18, 2004, Examiner Tran sent us a facsimile copy of the office action dated January 5, 2004. On October 18, 2004, I forwarded a copy of the office action to Azanda Network Devices.

9. On October 21, 2004, I discussed the Examiner's arguments with Azanda Network Devices. On Friday, October 22, 2004, I prepared a Request for Continued Examination (RCE), a Petition to Revive and an Amendment/Response to the office action dated January 5, 2004.

10. Today, Monday, October 25, 2004, I am filing a Petition to Revive the above-captioned application along with the Request for Continued Examination and the Amendment/Response.

11. The undersigned can be reached at (925) 621-2115.

A handwritten signature in cursive script, reading "Darien K. Wallace", written in black ink.

Darien K. Wallace
Reg. No. 53,736

Dated: October 25, 2004